

**REMARKS**

This is a full and timely response to the outstanding final Office Action mailed August 24, 2007. Through this response, claims 82, 83, 91-96, 104-109, and 117-120 have been canceled without prejudice, waiver, or disclaimer, and claims 121-136 have been added. Reconsideration and allowance of the application and pending claims 121-136 are respectfully requested.

**I. Claim Rejections - 35 U.S.C. § 103(a)**

**A. Rejection of Claims**

Claims 82-83, 92-96, 105-109 and 118-120 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Tomita et al.* ("*Tomita*," U.S. Pub. No. 2001/0013127) in view of *LaJoie et al.* ("*LaJoie*," U.S. Pat. No. 5,850,218). Claims 91, 104 and 117 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Tomita* in view of *LaJoie* and in further view of *Young et al.* ("*Young*," U.S. Pat. No. 5,808,608). Applicants respectfully submit that the rejections to these claims have been rendered moot, and further, that claims 121-136 are allowable over the art of record.

**B. Discussion of the Rejection**

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and

(D)Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

**Independent claim 121 and dependent claims 122-128**

Claim 121 recites (with emphasis added):

121. A set-top terminal (STT) comprising:  
memory configured to store an interactive program guide (IPG),  
the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed; and  
a processor in communication with the memory, the processor configured to control the IPG to display the program information;  
***wherein the processor is further configured to receive an arrangement instruction from a viewer to display the program information in one of at least two views including at least a first view and a second view,***  
***wherein the first view includes television program titles arranged in columns corresponding to sequential broadcast times and in rows corresponding to sequential channels, and***  
***wherein the second view includes television program titles arranged in rows corresponding to sequential broadcast times; and***  
***wherein the processor is further configured to, responsive to receiving an activation instruction from a viewer, change the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information in a view corresponding to the received arrangement instruction.***

Applicants respectfully submit that the cancellation of the prior claims has rendered the rejection moot. Further, Applicants respectfully submit that claim 121 is allowable over the art of record for at least the reason that the art of record fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 121 is allowable over the cited references, dependent claims 122-128 are allowable as a matter of law for at least the reason that the dependent

claims 122-128 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

#### **Independent claim 129 and dependent claims 130-136**

Claim 129 recites (with emphasis added):

129. A method for presenting information related to a plurality of television programs to a viewer, the method comprising:  
storing an interactive program guide (IPG) in a memory unit contained within a set-top terminal, the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed;  
***presenting an option to receive an arrangement instruction from a viewer to display the program information in one of at least two views including at least a first view and a second view, wherein the first view includes television program titles arranged in columns corresponding to sequential broadcast times and in rows corresponding to sequential channels, and wherein the second view includes television program titles arranged in rows corresponding to sequential broadcast times; and responsive to receiving an activation instruction from a viewer, changing the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information in a view corresponding to the received arrangement instruction.***

Applicants respectfully submit that the cancellation of the prior claims has rendered the rejection moot. Further, Applicants respectfully submit that claim 129 is allowable over the art of record for at least the reason that the art of record fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 129 is allowable over the cited references, dependent claims 130-136 are allowable as a matter of law.

In summary, it is Applicants' position that a *prima facie* for obviousness is not made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims

is patentable over the art of record and that the rejection of these claims should be withdrawn.

## **II. Canceled Claims**

As identified above, claims 82, 83, 91-96, 104-109, and 117-120 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

## **III. New Claims**

As identified above, claims 121-136 have been added into the application through this response. For at least the reasons set forth above, Applicants respectfully submit that these new claims describe embodiments that are novel and unobvious in view of the art of record and, therefore, respectfully request that these claims be held to be allowable.

**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/dr/  
David Rodack  
Registration No. 47,034

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500